

REMARKS

The Office Action dated July 10, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 3-14 and 16-28 are presently pending in the application and are respectfully submitted for reconsideration.

Claims 13 and 21-23 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants wish to thank to the Examiner for the indication of the allowable subject matter. However, claims 1, 3-12, 14, 16-20 and 24-28 are respectfully submitted for reconsideration.

Claims 1, 3-11, 14, 16-20, 24 and 26-28 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,200,381 of Halkosaari et al. ("Halkosaari"). The Office Action took the position that Halkosaari discloses all of the subject matter of the claims. This rejection is respectfully traversed.

Claim 1, upon which claims 3-13 depend, is directed to a method including establishing an accounting session between a network element and a charging function for the session, wherein the network element includes a gateway of an internet protocol based communication system. The method also includes initiating a change in the accounting session on the initiation of the charging function. The method further includes charging for services in the communication system based on the accounting

session. The initiating a change in the accounting session includes transmitting a request to update the accounting session from the charging function to the network element.

Claim 14, upon which claims 16-23 depend, is directed to a charging element including a monitor unit configured to monitor charging in an internet protocol based communication system. The charging element also includes an establishment unit configured to establish an accounting session with an application. The charging element further includes an information unit configured to inform a network element configured to control an associated communication session of the accounting session, wherein the network element includes a gateway of the internet protocol based communication system. The charging element additionally includes an initiation unit configured to initiate a change in the accounting session. The initiation unit includes a transmission unit configured to receive a request to update the accounting session.

Claim 24, upon which claims 25 and 25 are dependent, recites a communication system. The system includes a network element configured to control a session for the provision of services in an internet protocol based communication system. The network element comprises a gateway of the internet protocol based communication system. The system also includes an application for the session, a control function for the session, and a charging function. At least one accounting session is configured to be established between the charging function and at least one of the network element, the application, or the control function. The charging function is configured to initiate a change in the at least one accounting session by transmitting a request to update the accounting session to the network element.

Claim 27 is directed to a charging element including monitor means for monitoring charging in an internet protocol based communication system. The charging element also includes establishment means for establishing an accounting session with an application. The charging element further includes information means for informing a network element configured to control an associated communication session of the accounting session, wherein the network element includes a gateway of the internet protocol based communication system. The charging element additionally includes initiation means for initiating a change in the accounting session. The initiation means includes transmission means for receiving a request to update the accounting session.

Claim 28 is directed to a computer program which performs the operations of method claim 1.

Applicants respectfully submit that Halkosaari fails to disclose or suggest all of the elements of any of the presently pending claims.

Halkosaari discloses a cost control method for a mobile terminal of a mobile communications network. A cost control request is sent from a network element to a cost control function. The network element is defined as an access point for the mobile terminal. The cost control function is part of a home location register (HLR) (i.e., database), which maintains a record of all of the subscribers of the home public land mobile network (HPLMN 1) (see FIG. 3 of Halkosaari). The cost control function obtains a cost control result in response to a request and returns the result to the network element so that the network element may act upon the result.

Halkosaari does not disclose a request being sent from a charging function to a network element. Conversely, Halkosaari teaches a request being sent from a network element to a cost control function. In other words, Halkosaari discloses that the request is not received at the network element, instead, the request is initiated by the network element and received by the cost control function.

With respect to the claims, Halkosaari does not disclose “initiating a change in the accounting session on the initiation of the charging function...wherein the initiating a change in the accounting session comprises transmitting a request to update the accounting session from the charging function to the network element”, as recited, in part, in claim 1 and similarly in independent claims 14, 24, 27 and 28. The Office Action alleged that column 6, lines 7-30 of Halkosaari discloses initiating a change in the accounting session on the initiation of the charging function (see page 2 of the Office Action). Applicants disagree that Halkosaari teaches the above-noted features of the claims, and, in particular, a change in the accounting session which comprises transmitting a request to the network element to update the accounting session.

Column 6 of Halkosaari discloses that the network element (NE) processes traffic based on information received from the call control function (CCF), such as, for example, notifying the user about a low account balance and balance expiration. In order to simplify the processing of data in the CCF, the intermediate interrogation (Inter_IR) includes a set of parameters necessary to perform the needed processing. The CCF will analyze, update and perform required operations to send a new IR_Result to the NE. As noted above, Halkosaari discloses that the NE initiates the request for cost control and

sends it to the cost control function CCF. Conversely, the charging function of the present application sends a request to the network element to obtain the information needed to perform an update of the accounting session. Halkosaari simply fails to teach “initiating a change in the accounting session on the initiation of the charging function...wherein the initiating a change in the accounting session comprises transmitting a request to update the accounting session from the charging function to the network element”, as recited, in part, in claim 1 and similarly in independent claims 14, 24, 27 and 28.

Therefore, Halkosaari fails to explicitly teach each and every limitation of the presently pending claims, and thus, fails to anticipate the subject matter recited in the pending claims. Withdrawal of the rejection of claims 1, 3-11, 14, 16-20, 24 and 26-28 under §102(e) is respectfully requested.

Claims 12 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Halkosaari in view of U.S. Patent No. 6,999,449 of Barna et al. (“Barna”). The Office Action took the position that Halkosaari teaches all of the subject matter of the claims except for using a pre-paid accounting function. The Office Action then relied on Barna to cure the deficiencies of Halkosaari. This rejection is respectfully traversed.

Halkosaari is discussed in detail above. Barna generally relates to a system and method of monitoring and reporting accounting data based on volume. Figure 1 of Barna is a signaling diagram that illustrates the flow of messages between access and accounting nodes and in IP network when implementing a method of accounting based on the expiry of a predetermined volume of data transferred using the stop record trigger.

Claims 12 and 25 are dependent upon claims 1 and 24 and contain all of the limitations thereof. As discussed above, the teachings of Halkosaari fail to disclose or suggest all of the elements of claims 1 and 24. In addition, Barna fails to cure the deficiencies in Halkosaari because Barna also fails to disclose or suggest “initiating a change in the accounting session on the initiation of the charging function...wherein the initiating a change in the accounting session comprises transmitting a request to update the accounting session from the charging function to the network element”, as recited, in part, in independent claim 1. Thus, the combination of Halkosaari and Barna fails to disclose or suggest all of the elements of claims 1 and 24. Furthermore, claims 12 and 25 should be allowed for at least their dependence upon claims 1 and 24, and for the specific limitations recited therein.

For the reasons explained above, it is respectfully submitted that each of claims 1, 3-14, and 16-28 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1, 3-14, and 16-28 be allowed, and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for Extension of Time
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